

DUE PROCESS WITHDRAWALS SURVEY RESULTS

As of November 29, 2004

The Special Education Advisory Panel (SEAP) requested additional information regarding the reasons for withdrawal of due process hearings. At their request, the Division of Special Education mailed surveys to the individual that requested the withdrawal. Surveys were mailed on hearings withdrawn during the 2003-04 school year and information was requested from any individuals that withdrew their hearing for the 2004-05 school year.

Totals for 2003-2004: Sent out 57 survey letters on November 4, 2004. We have received 17 back

Totals for 2004-2005: Sent out 11 survey letters thus far. We are sending letters as we receive withdrawal. We have received 5 back.

12 - Resolved the matter with the school district through:

7 - *Settlement agreement with the school district.

5 - Informally with the school district.

4 - Did not resolve the matter with the school district because:

1 - Did not want to pursue a formal hearing.

5 - Had concerns about the process. Please explain:

- *Not timely enough. Too complicated.*
- *Afraid to go alone and could not pay for an attorney – told district had ruthless lawyers who always win. Would be a waste of my time.*
- *Any follow up needed for assurance the solution would be in place.*
- *Student was afforded the right to a hearing, but denied the right to stay-put in school placement.*

2 - Had concerns about hearing officer selection. Please explain:

- *Was not allowed to participate in selection of the panel in accordance with RSMo.*

(Note from DESE: Parent did not select within timelines)

3 - Had difficulty with the preparation of exhibits and paperwork. Please explain:

- *Too legal orientated. Requires attorney assistance. Too cumbersome for smaller issues.*
- *Had difficulty with the way the school district was allowed to submit their exhibits.*

6 - I withdrew the hearing request for the following reason not listed above. Please explain:

- *District agreed to do what parent proposed from the very beginning.*
- *Parties agreed on mediation and things have not gone well. Will probably refile.*
- *Temporarily had to accept their solution.*
- *Speak to an attorney.*
- *Did not like hearing chair selected. Decided to take some preliminary steps prior to due process. If not satisfactory outcome, will pursue due process.*
- *Attorney fees and timing to resolve issues weighed too heavily in favor of district.*
- *School attorney contacted our attorney on the phone and told attorney that our son could return to school because they were doing MAP testing. Held IEP meeting and district requested an Independent Evaluation. Son finished the school year. Only concern, district not always suspend child for a BD problem.*
- *Circumstances have changed. Want to give district opportunity to do the right thing with new circumstances.*
- *Refiled due process case shortly after withdrawing.*

NOTE: Some individuals checked more than one category.

*** A Settlement agreement is where the parties have resolved the issues to their satisfaction.**